

**ASSEMBLY BILL**

**No. 2495**

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**Introduced by Assembly Member Grove**

February 24, 2012

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An act to amend Section 20305 of the Government Code, relating to public employees' retirement.

LEGISLATIVE COUNSEL'S DIGEST

AB 2495, as introduced, Grove. Public employees' retirement: exclusions.

Existing law creates the Public Employees' Retirement System (PERS), which provides a defined benefit to its members based on age at retirement, service credit, and final compensation. Existing law establishes the criteria for membership in PERS and excludes from membership an employee whose appointment or employment contract does not fix a term of full-time, continuous employment in excess of 6 months, unless, among other exceptions, the person is employed by the Department of Forestry and Fire Protection in one of the positions that provides state safety membership or state peace officer/firefighter membership, as specified.

This bill would make a technical, nonsubstantive change to that provision.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 20305 of the Government Code is  
2     amended to read:

1     20305. (a) An employee whose appointment or employment  
2 contract does not fix a term of full-time, continuous employment  
3 in excess of six months is excluded from this system unless:

4     (1) He or she is a member at the time he or she renders that  
5 service and is not otherwise excluded pursuant to this article or by  
6 a provision of a contract.

7     (2) His or her position requires regular, part-time service for  
8 one year or longer for at least an average of 20 hours a week, or  
9 requires service that is equivalent to at least an average of 20 hours  
10 a week for one year or longer, unless he or she elects membership  
11 pursuant to Section 20325.

12     (3) His or her employment is, in the opinion of the board, on a  
13 seasonal, limited-term, on-call, emergency, intermittent, substitute,  
14 or other irregular basis, and is compensated and meets one of the  
15 following conditions:

16     (A) The appointment or employment contract does not fix a  
17 term of full-time, continuous employment in excess of six months,  
18 but full-time employment continues for longer than six months,  
19 in which case membership shall be effective not later than the first  
20 day of the first pay period of the seventh month of employment.

21     (B) The person completes 125 days, if employed on a per diem  
22 basis or, if employed on other than a per diem basis, completes  
23 1,000 hours within the fiscal year, in which case, membership shall  
24 be effective not later than the first day of the first pay period of  
25 the month following the month in which 125 days or 1,000 hours  
26 of service were completed. For purposes of this subdivision, “day”  
27 means each eight-hour period of employment worked by an  
28 employee paid on a per diem basis so that membership is effective  
29 after he or she has completed 1,000 hours of compensated service  
30 in a fiscal year.

31     (C) The person is employed by the Department of Forestry and  
32 Fire Protection in one of the positions that ~~provide~~ *provides* state  
33 safety membership pursuant to Section 20400 or state peace  
34 officer/firefighter membership pursuant to Section 20392.

35     (4) He or she is a temporary faculty member of the California  
36 State University and meets one of the following conditions:

37     (A) He or she works two consecutive semesters or three  
38 consecutive quarters at half-time or more, and is not otherwise  
39 excluded pursuant to this article, in which case, membership shall

1 be effective with the start of the next consecutive semester or  
2 quarter if the appointment requires service of half-time or more.

3 (B) He or she works two consecutive semesters or three  
4 consecutive quarters at a minimum teaching load of six weighted  
5 units, and is not otherwise excluded pursuant to this article, in  
6 which case membership shall be effective at the start of the next  
7 consecutive semester or quarter, but not earlier than July 1, 2004,  
8 if the appointment requires service of six weighted units or more.

9 This subparagraph does not apply to faculty members unless  
10 provided for in a memorandum of understanding agreed upon, on  
11 or after January 1, 2003, pursuant to Chapter 12 (commencing  
12 with Section 3560) of Division 4 of Title 1, or authorized by the  
13 Trustees of the California State University for employees excluded  
14 from collective bargaining.

15 (5) He or she is a member of the Board of Prison Terms, the  
16 State Personnel Board, or the State Air Resources Board and elects  
17 to become a member pursuant to Section 20320.

18 (6) He or she is participating in partial service retirement,  
19 pursuant to Article 1.7 (commencing with Section 19996.30) of  
20 Chapter 7 of Part 2.6.

21 (7) He or she is included by specific provision of the board  
22 relating to the exclusion of less than full-time employees.

23 (b) This section shall supersede any contract provision excluding  
24 persons in any temporary or seasonal employment basis and shall  
25 apply only to persons entering employment on and after January  
26 1, 1975. Except as provided in Section 20502, no contract or  
27 contract amendment entered into after January 1, 1981, shall  
28 contain any provision excluding persons on an irregular  
29 employment basis.